

### **REMARKS / ARGUMENTS**

Reconsideration of the above-mentioned application is hereby requested in view of the above amendments and remarks which follow. Claims 12-21 pend in this application.

The Examiner objected to the drawings in paragraph 1 of the Office Action under 37 C.F.R. §1.83(a). The Examiner indicated that a single sheet of material folded over in claim 16 was not shown. Applicants have amended the application to include new Figs. 6 and 7 which show the single sheet of flexible material folded over and Applicants believe and submit that this addition does not constitute new matter. In fact in original paragraph 29, Applicants indicated that "in the case of a container of a design having one side with a straight edge, the container can be formed from a single sheet of a flexible material folded over about this straight edge with the remaining edges being welded together to form the container". Applicants have also amended this same paragraph 29 to expand upon that comment and further indicate that, "For example, as shown in Figures 6 and 7, a container according to the invention is shown wherein the walls 10', 11' of the container are made from a single sheet of flexible material which is folded (along 12') to form to overlying walls 10', 11'."

The Examiner also objected to the drawings in reference to claim 17 indicating that two separate sheets must be shown or canceled from the claims.

Applicants disagree with the opinion of the Examiner alleging that the "two separate sheets" referred to in claim 17 are not shown on the drawings. On the contrary, the two separate sheets are illustrated on Figures 2, 3 and 5 and correspond to reference numbers 10 and 11.

The Examiner also rejected claims 13 and 19 under 35 U.S.C. §112 and Applicants have amended those claims. The Examiner's objections to claims 13 and 19 should now be rendered moot by the proposed amendments.

The Examiner also rejected pending claims 12-14, 16, 18, 20-21 on grounds of anticipation under 35 U.S.C. 102 (b) by US 3,149,772 (*Olsson*). Applicants submit that *Olsson* does not anticipate a flexible container for containing liquid according to the invention wherein the position of the one or several obstacles relative to the spout and the peripheral seam being such that a portion of the overlying walls including the spout and bounded by the obstacle or the

obstacles and by folds directed substantially transversally with respect to said obstacles deflects or arches when liquid is present in the inner sealed volume.

The configuration of the flexible container disclosed in *Olsson* is such that the kink (30) does not lead to the deflection of a portion of the overlying walls which includes the outlet (20) and which is bounded by the heat-sealed lines (12) and the kink (30). Rather, the kink clearly occurs in the portion of the container not containing the outlet (20) (see FIG. 3 & 4 of *Olsson*).

Even if *Olsson* mentions the possibility of the presence of one or several kinks, *Olsson* does not teach where the further kinks would occur on the periphery of the container. Therefore, *Olsson* does not anticipate nor contemplate the deflection and arching of a portion of the overlying walls that includes the outlet and would be bounded by a heat-sealed line and several folds directed substantially transversally with respect to said heat-sealed line.

The configuration of the containers disclosed in *Olsson* does not provide important advantages provided by the container according to the invention. In the present invention, when the container is laid on a flat surface and a vertical force is applied, the deflection of the portion (145) increases and tends to increase the tightness of the valve. This reinforcement of the folds in the vicinity of the passages (140, 141), i.e. at the ends of the obstacles (14, 14'), as well as the increase in the deflection are extremely advantageous, since they effectively prevent the escape of liquid when the flexible container is laid in its natural position on a surface which is substantially flat, even when another object, which increases the pressure in the container, is placed on top of the container ([0022] from the application as originally filed). This advantageous manner of functioning is neither taught nor suggested in *Olsson*.

Therefore, claim 12 is neither anticipated by US 3,149,772 (*Olsson*), nor obvious in view of *Olsson*'s teachings.


Claims 13 to 21, which relate to further advantageous features, are directly or indirectly dependant on claim 12 and should thus also be allowable without us having to discuss the merits of these claims.

Nevertheless, it should be further pointed out that with regard to claims 18 and 19, *Olsson* does not disclose an obstacle that extends between two ends overlapping the peripheral seam on either side of the spout as set forth in claim 18, nor does *Olsson* disclose an obstacle that

overlaps said peripheral seam on either side of the spout by an amount that is less than 5 % of the overall length of the peripheral seam as set forth in claim 19. *Olsson* teaches an internal heat-sealed line (12) extending from an outer edge of the container and overlapping the external heat-sealed line (10) on almost the entire length of the external heat-sealed line (10), thereby materializing a passage (18) lining along approximately 20% of the peripheral heat-sealed line (10).

Respectfully submitted,

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